

NEW YORK STATE SUPREME COURT  
NEW YORK COUNTY

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Index No.: \_\_\_\_\_

JACK TRAUB, PETER FEGER, RICHARD S. KLEIN,  
M.D., M.A.M., PAUL LAMBERT, S.F., J.K., KERRY  
LANGENBACK, MITCHELL CITRIN, A.M., D.G.,  
DARLENE BLACKBURN, C.S., L.W., R.Z., O.S.,  
R.D.D., DOUG DWYER, N.B., GAIL COLEMAN, M.B.,  
P.L., S.A., C.C., D.B., DAVID POZNAK, D.P.C., J.A.,  
L.S., L.M., M.K., S.H., J.T., JASON KLEIN, A.D., D.C.,  
P.C., R.D., DAVID WALDMAN, JEFFREY KLEIN,  
Y.K., ROBERT ESCAVA, M.M., and, J.H.,

Date Filed: \_\_\_\_\_

**SUMMONS**

Plaintiffs designate New York  
County as the place of trial.

Plaintiffs,

The basis of venue is the  
defendant's residence.

-against-

THE ROCKEFELLER UNIVERSITY,

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Defendant.

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TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiffs' attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: August 14, 2019

Respectfully Yours,  
THE MARSH LAW FIRM PLLC

By  \_\_\_\_\_

James R. Marsh

Jennifer Freeman

151 East Post Road, Suite 102

White Plains, NY 10601-5210

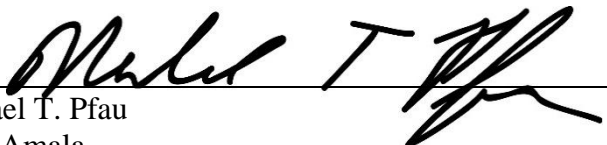
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Attorneys for Plaintiffs

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**COMPLAINT**

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Plaintiffs,

-against-

THE ROCKEFELLER UNIVERSITY,

Defendant.

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Plaintiffs, by and through their attorneys, the Marsh Law Firm PLLC and Pfau Cochran  
Vertetis Amala PLLC, respectfully allege for their complaint the following:

**I. PRELIMINARY STATEMENT**

1. Rockefeller University (“Rockefeller”), a world-renowned medical research institution, knew and should have known for decades that one of its leading doctors, Reginald MacGregor Archibald (“Archibald”), was sexually abusing minor patients under the guise of a child growth study. Indeed, Rockefeller conceded in a recently released investigatory report that Archibald, while purportedly offering patients cutting edge medical care and treatment, engaged in a “pervasive” and “widespread pattern of misconduct and sexually abused many children at the

Hospital....” *Report on the Investigation of Dr. Reginald Archibald* (May 23, 2019) (“Report”), attached as Exhibit.<sup>1</sup>

2. Rockefeller also admitted that by 1974, it was aware of numerous patient complaints against Archibald including a 1960–1961 grand jury investigation of which Rockefeller’s President was notified, and several additional complaints from 1960 to 1974 to Rockefeller’s Physician-in-Chief by patients, patient’s family members, and staff about Archibald’s unnecessary examinations of children’s genitals and other sexual misconduct. Report, pp. 12-13, 19. In addition, Rockefeller had information while Archibald was still practicing which indicated that Archibald “may have been engaged in misconduct and inappropriate and unnecessarily intrusive examinations of at least some of his patients.” Report, p. 26. Further, Rockefeller failed to comply with required Institutional Review Board policies and procedures.

3. Despite these repeated complaints and other warning signs, Rockefeller knowingly and recklessly discounted and disregarded abuse, concealed abuse, and chose to protect its reputation, status, and wealth over the children in its custody, care, and control.

4. Instead, Rockefeller permitted Archibald unfettered, unsupervised access to children, failed to warn children or their parents, and exposed the Plaintiffs to unreasonable risk of danger.

5. The Plaintiffs in this lawsuit are some of the children who were sexually abused because of the wrongful conduct of both Rockefeller and Archibald. The attorneys in this case

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<sup>1</sup> Many of the allegations in this Complaint are taken from the Report which was written by Debevoise & Plimpton LLP, Rockefeller’s outside counsel. According to the Report, it “summarizes evidence obtained about allegations that Dr. Reginald Archibald, a former professor and senior physician at The Rockefeller University and its Hospital, sexually abused patients he saw at the Hospital.” Such allegations are identified with citations to the Report.

represent a total of over 200 Rockefeller victims and will soon be commencing companion lawsuits to this one. Sadly, these hundreds of Archibald survivors are far from alone.

## **II. PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72**

6. This complaint is filed pursuant to the Child Victims Act (CVA), CPLR 214-g, and 22 NYCRR 202.72. The CVA opened a historic one-year, one-time window for victims and survivors of historic childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, Plaintiffs' claims against Rockefeller were time-barred the day they turned 22 years old. The enactment of the CVA allows Plaintiffs to pursue restorative justice in New York State.

## **III. THE PARTIES**

7. Plaintiff Jack Traub is an adult male who currently resides in Staten Island, New York. When Jack was a child, he was a patient of Archibald's at Rockefeller.

8. Plaintiff Peter Feger is an adult male who currently resides in Tampa, Florida. When Peter was a child, he was a patient of Archibald's at Rockefeller.

9. Plaintiff Richard S. Klein is an adult male who currently resides in Jeffersonville, New York. When Richard was a child, he was a patient of Archibald's at Rockefeller.

10. Plaintiff M.D. is an adult female who currently resides in Danvill, California. When M.D. was a child, she was a patient of Archibald's at Rockefeller.

11. Plaintiff M.A.M. is an adult male who currently resides in Hewlett, New York. When M.A.M. was a child, he was a patient of Archibald's at Rockefeller.

12. Plaintiff Paul Lambert is an adult male who currently resides in Old Bridge, New Jersey. When Paul was a child, he was a patient of Archibald's at Rockefeller.

13. Plaintiff S.F. is an adult male who currently resides in Sebastian, Florida. When S.F. was a child, he was a patient of Archibald's at Rockefeller.

14. Plaintiff J.K. is an adult male who currently resides in Princeton, New Jersey. When J.K. was a child, he was a patient of Archibald's at Rockefeller.

15. Plaintiff Kerry Langenback is an adult male who currently resides in Queens, New York. When Kerry was a child, he was a patient of Archibald's at Rockefeller.

16. Plaintiff Mitchell Citrin is an adult male who currently resides in Bellmore, New York. When Mitchell was a child, he was a patient of Archibald's at Rockefeller.

17. Plaintiff A.M. is an adult male who currently resides in Montclair, New Jersey. When A.M. was a child, he was a patient of Archibald's at Rockefeller.

18. Plaintiff D.G. is an adult male who currently resides in Mt. Vernon, New York. When D.G. was a child, he was a patient of Archibald's at Rockefeller.

19. Plaintiff Darlene Blackburn is an adult female who currently resides in Manalapan, New Jersey. When Darlene was a child, she was a patient of Archibald's at Rockefeller.

20. Plaintiff C.S. is an adult male who currently resides in Thompsettown, Pennsylvania. When C.S. was a child, he was a patient of Archibald's at Rockefeller.

21. Plaintiff L.W. is an adult male who currently resides in Miami Beach, Florida. When L.W. was a child, he was a patient of Archibald's at Rockefeller.

22. Plaintiff R.Z. is an adult male who currently resides in North Miami Beach, Florida. When R.Z. was a child, he was a patient of Archibald's at Rockefeller.

23. Plaintiff O.S. is an adult male who currently resides in Ocean City, New Jersey. When O.S. was a child, he was a patient of Archibald's at Rockefeller.

24. Plaintiff R.D.D. is an adult male who currently resides in Miller Place, New York. When R.D.D. was a child, he was a patient of Archibald's at Rockefeller.

25. Plaintiff Doug Dwyer is an adult male who currently resides in Hauppauge, New York. When Doug was a child, he was a patient of Archibald's at Rockefeller.

26. Plaintiff N.B. is an adult male who currently resides in Atlanta, Georgia. When N.B. was a child, he was a patient of Archibald's at Rockefeller.

27. Plaintiff Gail Coleman is an adult female who currently resides in Bethesda, Maryland. When Gail Coleman was a child, she was a patient of Archibald's at Rockefeller.

28. Plaintiff M.B. is an adult male who currently resides in Olney, Maryland. When Matthew was a child, he was a patient of Archibald's at Rockefeller.

29. Plaintiff P.L. is an adult male who currently resides in Oakland Gardens, New York. When P.L. was a child, he was a patient of Archibald's at Rockefeller.

30. Plaintiff S.A. is an adult male who currently resides in Morganville, New Jersey. When S.A. was a child, he was a patient of Archibald's at Rockefeller.

31. Plaintiff C.C. is an adult male who currently resides in Paris, France. When C.C. was a child, he was a patient of Archibald's at Rockefeller.

32. Plaintiff D.B. is an adult male who currently resides in Tarpon Springs, Florida. When D.B. was a child, he was a patient of Archibald's at Rockefeller.

33. Plaintiff David Poznak is an adult male who currently resides in Ocean, New Jersey. When David was a child, he was a patient of Archibald's at Rockefeller.

34. Plaintiff D.P.C. is an adult male who currently resides in Brooklyn, New York. When D.C. was a child, he was a patient of Archibald's at Rockefeller.

35. Plaintiff J.A. is an adult male who currently resides in Dumont, New Jersey. When J.A. was a child, he was a patient of Archibald's at Rockefeller.

36. Plaintiff L.S. is an adult male who currently resides in Trinidad, California. When L.S. was a child, he was a patient of Archibald's at Rockefeller.

37. Plaintiff L.M. is an adult female who currently resides in Skaneateles, New York. When L.M. was a child, she was a patient of Archibald's at Rockefeller.

38. Plaintiff M.K. is an adult male who currently resides in Providence, Rhode Island. When M.K. was a child, he was a patient of Archibald's at Rockefeller.

39. Plaintiff S.H. is an adult male who currently resides in South Salem, New York. When S.H. was a child, he was a patient of Archibald's at Rockefeller.

40. Plaintiff J.T. is an adult male who currently resides in Alpharatta, Georgia. When J.T. was a child, he was a patient of Archibald's at Rockefeller.

41. Plaintiff Jason Klein is an adult male who currently resides in Bridgewater, New Jersey. When Jason was a child, he was a patient of Archibald's at Rockefeller.

42. Plaintiff A.D. is an adult male who currently resides in Rye Brook, New York. When A.D. was a child, he was a patient of Archibald's at Rockefeller.

43. Plaintiff D.C. is an adult male who currently resides in Spencertown, New York. When D.C. was a child, he was a patient of Archibald's at Rockefeller.

44. Plaintiff P.C. is an adult male who currently resides in Brooklyn, New York. When P.C. was a child, he was a patient of Archibald's at Rockefeller.

45. Plaintiff R.D. is an adult male who currently resides in Great Neck, New York. When R.D. was a child, he was a patient of Archibald's at Rockefeller.



46. Plaintiff David Waldman is an adult male who currently resides in New York, New York. When David was a child, he was a patient of Archibald's at Rockefeller.

47. Plaintiff Jeffrey Klein is an adult male who currently resides in Brighton, Massachusetts. When Jeffrey was a child, he was a patient of Archibald's at Rockefeller.

48. Plaintiff Y.K. is an adult male who currently resides in Lakewood, New Jersey. When Y.K. was a child, he was a patient of Archibald's at Rockefeller.

49. Plaintiff Robert Escava is an adult male who currently resides in Brooklyn, New York. When Robert was a child, he was a patient of Archibald's at Rockefeller.

50. Plaintiff M.M. is an adult male who currently resides in Red Bank, New Jersey. When M.M. was a child, he was a patient of Archibald's at Rockefeller.

51. Plaintiff J.H. is an adult male who currently resides in Armonk, New York. When J.H. was a child, he was a patient of Archibald's at Rockefeller.

52. While Plaintiffs were minors, they were victims of a criminal sex act in the State of New York. Since this criminal violation is the basis for this action, Plaintiffs are entitled to the protection of the Civil Rights Law 50-b and will file a motion asking this Court for permission to proceed using a pseudonym.

53. In the alternative, Plaintiffs will seek a stipulation from Rockefeller to a protective order which will ensure that their identities are protected from the public while allowing Rockefeller full access to information necessary for its defense.

54. Upon information and belief, defendant Rockefeller, which was formerly known as The Rockefeller Institute for Medical Research, is a New York not-for-profit education corporation with its principal place of business in New York, New York.

55. Upon information and belief, at times Rockefeller conducted business as the “Rockefeller Institute,” “Rockefeller University,” or “Rockefeller University Hospital” (collectively “Rockefeller”).

56. Upon information and belief, at all relevant times, Rockefeller employed Archibald as a professor and physician.

57. To the extent that Rockefeller was or became a corporation on or after January 1, 1940, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

58. To the extent Rockefeller is a successor to a different entity, corporation, or organization which existed on or after January 1, 1940, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

59. All such entities, corporations, and/or organizations are collectively referred to herein as Rockefeller.

#### **IV. VENUE**

60. Venue is proper because Rockefeller is a domestic corporation authorized to transact business in New York with its principal office located in New York, New York. Venue is proper because New York is the county in which a substantial part of the events or omissions giving rise to each plaintiff’s claim occurred.

#### **V. BACKGROUND FACTS**

61. For over a century, Rockefeller has been the leading biomedical research institution in the United States, engaging in scientific inquiry, analysis, and research.

62. One essential component of Rockefeller, The Rockefeller University Hospital, has served as a center for clinical research which does not charge for medical or hospital services.

63. Twenty-five Nobel laureates have affiliated with the University over the years, four of whom are current faculty members.

64. Upon information and belief, in the years following January 1, 1940, Rockefeller received hundreds of millions of dollars from federal, state, and local governments, including the National Institute of Health, as well as from private donors and foundations like the Rockefeller Foundation and the Sackler family foundations.

65. For approximately 40 years, from the 1940s to the 1980s, Archibald was employed at Rockefeller as a prominent and esteemed professor and physician engaged in a long-running child growth study and providing free medical care to children.

66. Upon information and belief, Archibald examined approximately 9,000 children at Rockefeller.

67. When Archibald retired, Rockefeller bestowed on him the honor of “physician emeritus” and continued his hospital privileges.

68. As Rockefeller recently admitted, Archibald spent much of his time at Rockefeller not conducting a purported childhood growth research study or providing legitimate medical treatment, but instead grossly, extensively, and repeatedly sexually abusing the child patients entrusted to his care. *See Report*, pp. 1-2, 26.

69. Working alone at Rockefeller, often behind locked doors, Archibald sexually abused thousands of children.

70. Archibald instructed young patients to undress, insisted that they remain naked throughout the “examinations,” fondled them, played with, pulled and measured their genitals, (flaccid and erect), masturbated them, asked them to masturbate themselves while he watched, took semen samples from them, instructed them to perform sex acts, placed some of them on his

lap, engaged in sex acts with many of them, and otherwise sexually assaulted and abused his child patients.

71. Archibald also spent lengthy periods of time taking naked photos of almost all of his child patients over many years for no legitimate medical reason.

72. Using Rockefeller's equipment, Archibald took sexually explicit images, such as close-ups of boy patients' flaccid and erect penises, and of girl patients with their legs spread wide.

73. Upon information and belief, employees of Rockefeller knew that Archibald was taking pictures of naked children, flaccid penises, erect penises, and vaginas.

74. Kinsey Institute has long acknowledged that it maintains a large repository of sex-based research including images featuring children engaging in sexual acts and sexual posing.

75. Archibald engaged in all of these sexually predatory practices at Rockefeller under the guise of medical research and provision of free "medical" treatment without explaining the sexual and intrusive nature of the "research" or "treatment" or obtaining informed consent from his patients.

**A. The Extensive, High-Level Notice to Rockefeller and Its Disregard or Cover-up of Archibald's Sex Abuse of His Child Patients**

76. As detailed in the Report and explained below, years before the Plaintiffs were abused, Rockefeller's senior management knew or should have known that Archibald had sexually abused and continued to sexually abuse many of their child patients.

77. In or about 1960, two former patients of Archibald complained to the New York District Attorney about Archibald's misconduct at Rockefeller. Report, pp. 12-13.

78. In response to these complaints, a grand jury issued a subpoena to Rockefeller for the medical records of those two patients and then presented the matter to the grand jury. Report, pp. 12-13.

79. Although an indictment was apparently not returned, Rockefeller's then-President was familiar with the serious allegations and the criminal investigation. Report, pp. 12-13.

80. Upon information and belief, despite Rockefeller senior management's knowledge of these serious allegations, Rockefeller took little or no action to investigate Archibald's activities and failed to put in place any measures to protect its child patients.

81. From 1960 to 1974, Rockefeller's Physician-in-Chief received several complaints from patients, family members, and staff about Archibald's examination of their child patient's genitals. Report, p. 13.

82. That Physician-in-Chief viewed Archibald's taking genital measurements as a "questionable" medical practice. Report, p. 13.

83. Archibald, when confronted with these allegations, "became difficult" and "less communicative." Report, p. 13.

84. Upon information and belief, despite the numerous complaints to Rockefeller's Physician-in-Chief, and Archibald's evasive responses to questioning, Rockefeller took little or no action to investigate Archibald's activities and failed to put in place measures to protect its child patients.

85. During the decades of Archibald's employment at Rockefeller, there were "warning signs" and "information available [to Rockefeller] and [Rockefeller] management" that "suggest[ed] that Archibald may have been engaged in misconduct and inappropriate and unnecessarily intrusive examinations of at least some of his patients." Report, p. 26.

86. Upon information and belief, Rockefeller disregarded these warning signs and information, taking little or no action to investigate Archibald's activities and failed to put in place measures to protect its young, vulnerable child patients.

87. If Rockefeller's former patients had been informed of any of the complaints against Archibald at any time before 2007 when Archibald died, they would have at least had an opportunity to confront their abuser in law and in fact.

88. By concealing Archibald's abuse and delaying a full accounting, Rockefeller benefitted as evidence grew stale and victims died. *See Report*, pp. 2, 4, 14, 16 n.18.

89. Upon information and belief, at no time did Rockefeller notify the U.S. Attorney's Office for the Southern District of New York regarding the production and perhaps distribution of child pornography by its agent on its premises.

**B. Rockefeller's Failure to Comply with Institutional Review Board Requirements**

90. In 1966, the Public Health Service issued a new policy for medical research studies sponsored by the National Institute of Health ("NIH") requiring the independent review of research by a committee of the investigator's "institutional associates." Such policies applied to medical research conducted by Archibald and Rockefeller, which received significant funding and sponsorship by the NIH.

91. In 1971, the then-Department of Health, Education and Welfare ("DHEW") developed more detailed guidance for review committees in a publication referred to as the "Yellow Book."

92. In 1974, the DHEW enacted regulations codifying the Yellow Book which was soon followed by the passage of the National Research Act which established the National Commission

for the Protection of Human Subjects of Biomedical and Behavioral Research to provide ethical and policy analysis regarding human research.

93. Upon information and belief, RUH failed to comply with these DHEW policies, directives, and rules by, among other things, failing to subject Archibald's research and clinical care to the oversight required by Rockefeller's Institutional Review Board or its predecessor entities.

94. By failing to comply with these requirements, Rockefeller exposed its child patients to Archibald's ongoing and continuous sexual abuse.

**C. The Passage of the Child Victims Act, the Whistleblower, and the Debevoise Report Detailing Archibald's Extensive, Long-Term Sexual Abuse of Plaintiffs on Rockefeller Premises**

95. For many years, child sex abuse experts, survivors, and child welfare professionals have assiduously sought to reform restrictive state statutes of limitations, such as those in New York, applicable to child sex abuse, and to open statutory windows to revive lapsed civil claims.

96. In 2017, the New York legislature, encouraged by Governor Cuomo, appeared poised to pass such legislative reform through enactment of what eventually became the "Child Victims Act."

97. Although New York failed to pass the Act that year, by late 2017 it appeared increasingly likely that such a proposed change would soon become law.

98. With such legislative reform looming, New York child-serving institutions faced the daunting prospect of hundreds of millions of dollars in liability for historic child sexual abuse.

99. In early 2018, Plaintiff A.M. contacted Rockefeller, informing them of the abuse he and others suffered at the hands of Archibald.

100. With New York's passage of the Child Victims Act appearing imminent, Rockefeller finally responded to A.M.'s 2018 allegations and ultimately met with him and their attorneys at Debevoise to discuss his concerns.

101. For the first time, Rockefeller apologized to A.M. for what Archibald had done, and told A.M. that that they took his allegations seriously and would undertake a comprehensive investigation of his claims.

102. On September 26, 2018 (the "September Letter") Rockefeller sent to thousands of letters to their former child patients, requesting information about their experience with Archibald.

103. Rockefeller instructed victims to contact "Helen Cantwell."

104. In the September Letter, Rockefeller failed to disclose that Cantwell is a partner focusing on white collar criminal defense at the law firm whose founder, Eli Whitney Debevoise, once served as a trustee of Rockefeller.

105. Rockefeller also did not notify their former patients about a likely imminent change in the law reviving historic child sex abuse claims or why Rockefeller was only then contacting former patients after knowing about Archibald's abuse for many years.

106. Rockefeller's September Letter failed to comply with Rule 4.3 of the New York Rules of Professional Conduct which requires a lawyer who "knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter" to "make reasonable efforts to correct the misunderstanding."

107. The September Letter also failed to comply with Rule 4.3's requirement that in order to avoid a misunderstanding, "a lawyer will typically need to identify the lawyer's client and, where necessary, explain that the client has interests opposed to those of the unrepresented person."



108. Many Plaintiffs and other victims spoke with Cantwell and others at Rockefeller's law firm not understanding that those attorneys represented Rockefeller which clearly had interests opposed to these unrepresented survivors.

109. Rockefeller's September Letter caused Plaintiffs new additional and further damages.

110. In a public statement posted on its website on October 5, 2018, Rockefeller publicly acknowledged for the first time that Dr. Archibald had "engaged in certain inappropriate conduct during patient examinations" and "deeply regret pain and suffering caused to any of Dr. Archibald's former patients."

111. On October 18, 2018, Rockefeller issued a statement saying that it was "appalled" to hear of Archibald's "sexual misconduct" and "reprehensible behavior" and "deeply regret[ed]" the pain and suffering inflicted on his victims.

112. On November 9, 2019, Rockefeller issued another letter to victims declaring, "We profoundly apologize to those patients who experienced pain and suffering as a result of Dr. Archibald's reprehensible conduct."

113. In January 2019, the New York State legislature passed the Child Victims Act which Governor Cuomo signed into law in February, enacting landmark statute of limitations reform for child sex abuse victims and opening a one-year one-time window reviving lapsed claims beginning on August 14, 2019.

114. On May 23, 2019, Debevoise issued its Report detailing "widespread" and "pervasive" sexual abuse by Archibald at Rockefeller. After interviewing approximately 900 people, Debevoise concluded:

Based upon all of the information collected, it is clear that Archibald, taking advantage of his position as a trusted and respected physician and researcher, engaged in a widespread pattern of misconduct and sexually abused many children at the Hospital over the course of many years while offering patients medical care and treatment. \*\*\*

It is clear that Dr. Reginald Archibald engaged in acts of sexual misconduct and sexual abuse towards many of his pediatric patients while employed at RUH... The volume of patients who have now come forward with accounts of being subject to sexual misconduct and abuse by Archibald also shows that his misconduct was pervasive.

Report, pp. 2, 25-26.

115. The Report detailed many of the same types of abuse suffered by Plaintiffs. For example, the Report acknowledged Archibald's collection of semen which appeared nowhere in Archibald's protocols, consent forms, or medical records. The Report concluded that these activities constituted sexual abuse and not legitimate research or treatment.

Many male former patients...reported that Archibald took semen samples from them during some visits. He did so by having them masturbate while he was present or by physically manipulating them to ejaculation. Although he denied it, it is clear that Archibald frequently took semen samples and did so without sufficient medical or research justification. While such a procedure could have had legitimate medical or research purposes to assess sexual maturity or function, the evidence shows here, and we find, that Archibald's taking of semen samples constituted sexual abuse rather than a legitimate medical or research procedure.

Report, p. 9. As the Report explained, "If the taking of semen samples was legitimate, we would expect the procedure to be documented...." Report, p. 9.

116. Upon information and belief, Archibald was conducting research on semen.

117. Archibald's experiments are similar to Dr. Alfred Kinsey's reported "Early Sexual Growth and Activity" experiments in Sexual Behavior in the Human Male (1948).

## **VI. STATEMENT OF FACTS AS TO ALL PLAINTIFFS**

118. At all relevant times, Rockefeller, its board of trustees, agents, servants, and employees managed, maintained, operated, and controlled Rockefeller, and held out to the public

its agents, servants and employees as those who managed, maintained, operated and controlled Rockefeller.

119. Upon information and belief, at all relevant times outlined in this complaint, Rockefeller materially benefited from the operation and services of Archibald and the services of those who managed and supervised him.

120. Upon information and belief, at all relevant times outlined in this complaint, Archibald was on the staff of, acted as an agent of, and served as an employee of Rockefeller.

121. Upon information and belief, at all relevant times outlined in this complaint, Archibald was acting in the course and scope of his employment with Rockefeller.

122. Upon information and belief, at all relevant times outlined in this complaint, Archibald had or used an office or examination room on the premises of Rockefeller.

123. Upon information and belief, at all relevant times outlined in this complaint, Rockefeller was responsible for the hiring and staffing, did the hiring and staffing and was responsible for and did the recruitment and staffing or its volunteers, at and for Rockefeller.

124. At all relevant times outlined in this complaint, Plaintiffs and their parents reasonably relied upon the acts and representations of Rockefeller, their agents, servants, and employees, and reasonably believed that Archibald was an agent and/or employee of defendant and had been vetted by and was supervised by Rockefeller.

125. At all relevant times outlined in this complaint, Plaintiffs and their parents trusted Archibald because Rockefeller held Archibald out as someone as a highly respected Doctor and medical researcher, who was safe, and could be trusted with the care, custody, and control of Plaintiffs.

126. Based on the representations of Rockefeller that Archibald was safe and trustworthy, Plaintiffs and their parents allowed Plaintiffs to be in the care, custody, and control of Rockefeller, including the times when Plaintiffs were sexually abused by Archibald.

127. Based on the representations of Rockefeller that Archibald was safe and trustworthy, Plaintiffs and their parents allowed Plaintiffs to be in the care, custody, and control of Archibald, including the times when Plaintiffs were sexually abused by Archibald.

128. Neither Plaintiffs nor their parents would have allowed Plaintiffs to be in the care, custody, or control of Rockefeller or Archibald if Rockefeller had disclosed to Plaintiffs or their parents that Archibald was not safe and was not trustworthy, and that he in fact posed a danger to Plaintiffs in that Archibald was likely to sexually abuse Plaintiffs.

129. Archibald used his position at Rockefeller to gain the Plaintiffs' trust and to obtain control over them as part of his plan to sexually abuse and exploit them.

130. Archibald used his position of trust and authority at Rockefeller to sexually abuse and exploit the Plaintiffs multiple times using Rockefeller's instrumentalities while Plaintiffs were in the care, custody, or control of Rockefeller on Rockefeller's premises.

131. At all relevant times, Defendant, its agents, servants, and employees, knew or should have known that Archibald was sexually abusing and exploiting children.

132. Upon information and belief, at all relevant times outlined in this complaint, Defendant, its agents, servants, and employees knew or should have known that Archibald's sexual abuse and exploitation was ongoing.

133. Upon information and belief, Defendant, its agents, servants, and employees knew or should have known before and during Archibald's sexual abuse and exploitation of Plaintiffs that he used his position at Rockefeller to groom and to sexually abuse children.

**VII. STATEMENT OF FACTS AS TO PLAINTIFF JACK TRAUB**

134. At all relevant times outlined in this complaint, Plaintiff Jack Traub was a minor child and a patient of Archibald's at Rockefeller.

135. Archibald induced Jack to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

136. According to Rockefeller's records, Jack visited Archibald at Rockefeller from approximately 1975 to 1977 when he was approximately 10 to 12 years old.

137. During Jack's visit or visits to Rockefeller, Archibald sexually abused him.

138. By reason of the wrongful acts of Rockefeller, Jack sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Jack has and/or will become obligated to expend sums of money for medical expenses.

**VIII. STATEMENT OF FACTS AS TO PLAINTIFF PETER FEGER**

139. At all relevant times outlined in this complaint, Plaintiff Peter Feger was a minor child and a patient of Archibald's at Rockefeller.

140. Archibald induced Peter to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

141. According to Rockefeller's records, Peter visited Archibald at Rockefeller from approximately 1963 to 1979 when he was approximately 1 to 17 years old.

142. During Peter's visit or visits to Rockefeller, Archibald sexually abused him.

143. By reason of the wrongful acts of Rockefeller, Peter sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Peter has and/or will become obligated to expend sums of money for medical expenses.

**IX. STATEMENT OF FACTS AS TO PLAINTIFF RICHARD S. KLEIN**

144. At all relevant times outlined in this complaint, Plaintiff Richard S. Klein was a minor child and a patient of Archibald's at Rockefeller.

145. Archibald induced Richard to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

146. According to Rockefeller's records, Richard visited Archibald at Rockefeller from approximately 1963 to 1979 when he was approximately 4 to 17 years old.

147. During Richard's visit or visits to Rockefeller, Archibald sexually abused him.

148. By reason of the wrongful acts of Rockefeller, Richard sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these

injuries are of a permanent and lasting nature, and Richard has and/or will become obligated to expend sums of money for medical expenses.

**X. STATEMENT OF FACTS AS TO PLAINTIFF M.D.**

149. At all relevant times outlined in this complaint, Plaintiff M.D. was a minor child and a patient of Archibald's at Rockefeller.

150. Archibald induced M.D. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to her.

151. According to Rockefeller's records, M.D. visited Archibald at Rockefeller from approximately 1966 to 1976 when he was approximately 5 to 15 years old.

152. During M.D.'s visit or visits to Rockefeller, Archibald sexually abused her.

153. By reason of the wrongful acts of Rockefeller, M.D. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and M.D. has and/or will become obligated to expend sums of money for medical expenses.

**XI. STATEMENT OF FACTS AS TO PLAINTIFF M.A.M.**

154. At all relevant times outlined in this complaint, Plaintiff M.A.M. was a minor child and a patient of Archibald's at Rockefeller.

155. Archibald induced M.A.M. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

156. According to Rockefeller's records, M.A.M. visited Archibald at Rockefeller from approximately 1966 to 1977 when he was approximately 5 to 16 years old.

157. During M.A.M.'s visit or visits to Rockefeller, Archibald sexually abused him.

158. By reason of the wrongful acts of Rockefeller, M.A.M. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and M.A.M. has and/or will become obligated to expend sums of money for medical expenses.

## **XII. STATEMENT OF FACTS AS TO PLAINTIFF PAUL LAMBERT**

159. At all relevant times outlined in this complaint, Plaintiff Paul Lambert was a minor child and a patient of Archibald's at Rockefeller.

160. Archibald induced Paul to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

161. According to Rockefeller's records, Paul visited Archibald at Rockefeller from approximately 1967 to 1980 when he was approximately 1 to 14 years old.

162. During Paul's visit or visits to Rockefeller, Archibald sexually abused him.

163. By reason of the wrongful acts of Rockefeller, Paul sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil



and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Paul has and/or will become obligated to expend sums of money for medical expenses.

### **XIII. STATEMENT OF FACTS AS TO PLAINTIFF S.F.**

164. At all relevant times outlined in this complaint, Plaintiff S.F. was a minor child and a patient of Archibald's at Rockefeller.

165. Archibald induced S.F. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

166. According to Rockefeller's records, S.F. visited Archibald at Rockefeller from approximately 1967 to 1975 when he was approximately 4 to 12 years old.

167. During S.F.'s visit or visits to Rockefeller, Archibald sexually abused him.

168. By reason of the wrongful acts of Rockefeller, S.F. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and S.F. has and/or will become obligated to expend sums of money for medical expenses.

### **XIV. STATEMENT OF FACTS AS TO PLAINTIFF J.K.**

169. At all relevant times outlined in this complaint, Plaintiff J.K. was a minor child and a patient of Archibald's at Rockefeller.

170. Archibald induced J.K. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

171. According to Rockefeller's records, J.K. visited Archibald at Rockefeller from approximately 1968 to 1976 when he was approximately 3 to 10 years old.

172. During J.K.'s visit or visits to Rockefeller, Archibald sexually abused him.

173. By reason of the wrongful acts of Rockefeller, J.K. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and J.K. has and/or will become obligated to expend sums of money for medical expenses.

#### **XV. STATEMENT OF FACTS AS TO PLAINTIFF KERRY LANGENBACK**

174. At all relevant times outlined in this complaint, Plaintiff Kerry Langenback was a minor child and a patient of Archibald's at Rockefeller.

175. Archibald induced Kerry to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

176. According to Rockefeller's records, Kerry visited Archibald at Rockefeller from approximately 1968 to 1979 when he was approximately 6 to 18 years old.

177. During Kerry's visit or visits to Rockefeller, Archibald sexually abused him.

178. By reason of the wrongful acts of Rockefeller, Kerry sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that

personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Kerry has and/or will become obligated to expend sums of money for medical expenses.

#### **XVI. STATEMENT OF FACTS AS TO PLAINTIFF MITCHELL CITRIN**

179. At all relevant times outlined in this complaint, Plaintiff Mitchell Citrin was a minor child and a patient of Archibald's at Rockefeller.

180. Archibald induced Mitchell to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

181. According to Rockefeller's records, Mitchell visited Archibald at Rockefeller from approximately 1968 to 1977 when he was approximately 5 to 15 years old.

182. During Mitchell's visit or visits to Rockefeller, Archibald sexually abused him.

183. By reason of the wrongful acts of Rockefeller, Mitchell sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Mitchell has and/or will become obligated to expend sums of money for medical expenses.

**XVII. STATEMENT OF FACTS AS TO PLAINTIFF A.M.**

184. At all relevant times outlined in this complaint, Plaintiff A.M. was a minor child and a patient of Archibald's at Rockefeller.

185. Archibald induced A.M. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

186. According to Rockefeller's records, A.M. visited Archibald at Rockefeller from approximately 1969 to 1976 when he was approximately 6 to 13 years old.

187. During A.M.'s visit or visits to Rockefeller, Archibald sexually abused him.

188. By reason of the wrongful acts of Rockefeller, A.M. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and A.M. has and/or will become obligated to expend sums of money for medical expenses.

**XVIII. STATEMENT OF FACTS AS TO PLAINTIFF D.G.**

189. At all relevant times outlined in this complaint, Plaintiff D.G. was a minor child and a patient of Archibald's at Rockefeller.

190. Archibald induced D.G. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

191. According to Rockefeller's records, D.G. visited Archibald at Rockefeller from approximately 1969 to 1978 when he was approximately 6 to 15 years old.

192. During D.G.'s visit or visits to Rockefeller, Archibald sexually abused him.

193. By reason of the wrongful acts of Rockefeller, D.G. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and D.G. has and/or will become obligated to expend sums of money for medical expenses.

#### **XIX. STATEMENT OF FACTS AS TO PLAINTIFF DARLENE BLACKBURN**

194. At all relevant times outlined in this complaint, Plaintiff Darlene Blackburn was a minor child and a patient of Archibald's at Rockefeller.

195. Archibald induced Darlene to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to her.

196. According to Rockefeller's records, Darlene visited Archibald at Rockefeller from approximately 1970 to 1976 when he was approximately 10 to 16 years old.

197. During Darlene's visit or visits to Rockefeller, Archibald sexually abused her.

198. By reason of the wrongful acts of Rockefeller, Darlene sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these

injuries are of a permanent and lasting nature, and Darlene has and/or will become obligated to expend sums of money for medical expenses.

**XX. STATEMENT OF FACTS AS TO PLAINTIFF C.S.**

199. At all relevant times outlined in this complaint, Plaintiff C.S. was a minor child and a patient of Archibald's at Rockefeller.

200. Archibald induced C.S. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

201. According to Rockefeller's records, C.S. visited Archibald at Rockefeller from approximately 1971 to 1977 when he was approximately 6 to 12 years old.

202. During C.S.'s visit or visits to Rockefeller, Archibald sexually abused him.

203. By reason of the wrongful acts of Rockefeller, C.S. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and C.S. has and/or will become obligated to expend sums of money for medical expenses.

**XXI. STATEMENT OF FACTS AS TO PLAINTIFF L.W.**

204. At all relevant times outlined in this complaint, Plaintiff L.W. was a minor child and a patient of Archibald's at Rockefeller.

205. Archibald induced L.W. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

206. According to Rockefeller's records, L.W. visited Archibald at Rockefeller from approximately 1971 to 1980 when he was approximately 10 to 19 years old.

207. During L.W.'s visit or visits to Rockefeller, Archibald sexually abused him.

208. By reason of the wrongful acts of Rockefeller, L.W. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and L.W. has and/or will become obligated to expend sums of money for medical expenses.

## **XXII. STATEMENT OF FACTS AS TO PLAINTIFF R.Z.**

209. At all relevant times outlined in this complaint, Plaintiff R.Z. was a minor child and a patient of Archibald's at Rockefeller.

210. Archibald induced R.Z. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

211. According to Rockefeller's records, R.Z. visited Archibald at Rockefeller from approximately 1971 to 1978 when he was approximately 6 to 14 years old.

212. During R.Z.'s visit or visits to Rockefeller, Archibald sexually abused him.

213. By reason of the wrongful acts of Rockefeller, R.Z. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil

and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and R.Z. has and/or will become obligated to expend sums of money for medical expenses.

### **XXIII. STATEMENT OF FACTS AS TO PLAINTIFF O.S.**

214. At all relevant times outlined in this complaint, Plaintiff O.S. was a minor child and a patient of Archibald's at Rockefeller.

215. Archibald induced O.S. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

216. According to Rockefeller's records, O.S. visited Archibald at Rockefeller from approximately 1972 to 1976 when he was approximately 12 to 16 years old.

217. During O.S.'s visit or visits to Rockefeller, Archibald sexually abused him.

218. By reason of the wrongful acts of Rockefeller, O.S. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and O.S. has and/or will become obligated to expend sums of money for medical expenses.

### **XXIV. STATEMENT OF FACTS AS TO PLAINTIFF R.D.D.**

219. At all relevant times outlined in this complaint, Plaintiff R.D.D. was a minor child and a patient of Archibald's at Rockefeller.



220. Archibald induced R.D.D. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

221. According to Rockefeller's records, R.D.D. visited Archibald at Rockefeller from approximately 1972 to 1976 when he was approximately 12 to 16 years old.

222. During R.D.D.'s visit or visits to Rockefeller, Archibald sexually abused him.

223. By reason of the wrongful acts of Rockefeller, R.D.D. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and R.D.D. has and/or will become obligated to expend sums of money for medical expenses.

#### **XXV. STATEMENT OF FACTS AS TO PLAINTIFF DOUG DWYER**

224. At all relevant times outlined in this complaint, Plaintiff Doug Dwyer was a minor child and a patient of Archibald's at Rockefeller.

225. Archibald induced Doug to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

226. According to Rockefeller's records, Doug visited Archibald at Rockefeller from approximately 1973 to 1976 when he was approximately 11 to 14 years old.

227. During Doug's visit or visits to Rockefeller, Archibald sexually abused him.

228. By reason of the wrongful acts of Rockefeller, Doug sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that

personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Doug has and/or will become obligated to expend sums of money for medical expenses.

#### **XXVI. STATEMENT OF FACTS AS TO PLAINTIFF N.B.**

229. At all relevant times outlined in this complaint, Plaintiff N.B. was a minor child and a patient of Archibald's at Rockefeller.

230. Archibald induced N.B. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

231. According to Rockefeller's records, N.B. visited Archibald at Rockefeller from approximately 1973 to 1977 when he was approximately 14 to 18 years old.

232. During N.B.'s visit or visits to Rockefeller, Archibald sexually abused him.

233. By reason of the wrongful acts of Rockefeller, N.B. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and N.B. has and/or will become obligated to expend sums of money for medical expenses.

**XXVII. STATEMENT OF FACTS AS TO PLAINTIFF GAIL COLEMAN**

234. At all relevant times outlined in this complaint, Plaintiff Gail Coleman was a minor child and a patient of Archibald's at Rockefeller.

235. Archibald induced Gail to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to her.

236. According to Rockefeller's records, Gail visited Archibald at Rockefeller from approximately 1974 to 1976 when he was approximately 11 to 13 years old.

237. During Gail's visit or visits to Rockefeller, Archibald sexually abused her.

238. By reason of the wrongful acts of Rockefeller, Gail sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Gail has and/or will become obligated to expend sums of money for medical expenses.

**XXVIII. STATEMENT OF FACTS AS TO PLAINTIFF M.B.**

239. At all relevant times outlined in this complaint, Plaintiff M.B. was a minor child and a patient of Archibald's at Rockefeller.

240. Archibald induced M.B. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

241. According to Rockefeller's records, M.B. visited Archibald at Rockefeller from approximately 1974 to 1979 when he was approximately 6 to 12 years old. Plaintiff believes the

records provided by Rockefeller are not accurate and he visited Rockefeller additional times in which he was sexually abused by Archibald.

242. During M.B.'s visit or visits to Rockefeller, Archibald sexually abused him.

243. By reason of the wrongful acts of Rockefeller, M.B. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and M.B. has and/or will become obligated to expend sums of money for medical expenses.

#### **XXIX. STATEMENT OF FACTS AS TO PLAINTIFF P.L.**

244. At all relevant times outlined in this complaint, Plaintiff P.L. was a minor child and a patient of Archibald's at Rockefeller.

245. Archibald induced P.L. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

246. According to Rockefeller's records, P.L. visited Archibald at Rockefeller from approximately 1974 to 1980 when he was approximately 12 to 18 years old.

247. During P.L.'s visit or visits to Rockefeller, Archibald sexually abused him.

248. By reason of the wrongful acts of Rockefeller, P.L. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil

and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and P.L. has and/or will become obligated to expend sums of money for medical expenses.

### **XXX. STATEMENT OF FACTS AS TO PLAINTIFF S.A.**

249. At all relevant times outlined in this complaint, Plaintiff S.A. was a minor child and a patient of Archibald's at Rockefeller.

250. Archibald induced S.A. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

251. According to Rockefeller's records, S.A. visited Archibald at Rockefeller from approximately 1974 to 1980 when he was approximately 9 to 15 years old.

252. During S.A.'s visit or visits to Rockefeller, Archibald sexually abused him.

253. By reason of the wrongful acts of Rockefeller, S.A. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and S.A. has and/or will become obligated to expend sums of money for medical expenses.

### **XXXI. STATEMENT OF FACTS AS TO PLAINTIFF C.C.**

254. At all relevant times outlined in this complaint, Plaintiff C.C. was a minor child and a patient of Archibald's at Rockefeller.

255. Archibald induced C.C. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

256. According to Rockefeller's records, C.C. visited Archibald at Rockefeller from approximately 1975 to 1976 when he was approximately 10 to 11 years old.

257. During C.C.'s visit or visits to Rockefeller, Archibald sexually abused him.

258. By reason of the wrongful acts of Rockefeller, C.C. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and C.C. has and/or will become obligated to expend sums of money for medical expenses.

#### **XXXII. STATEMENT OF FACTS AS TO PLAINTIFF D.B.**

259. At all relevant times outlined in this complaint, Plaintiff D.B. was a minor child and a patient of Archibald's at Rockefeller.

260. Archibald induced D.B. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

261. According to Rockefeller's records, D.B. visited Archibald at Rockefeller from approximately 1975 to 1980 when he was approximately 5 to 10 years old.

262. During D.B.'s visit or visits to Rockefeller, Archibald sexually abused him.

263. By reason of the wrongful acts of Rockefeller, D.B. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that

personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and D.B. has and/or will become obligated to expend sums of money for medical expenses.

**XXXIII. STATEMENT OF FACTS AS TO PLAINTIFF DAVID POZNAK**

264. At all relevant times outlined in this complaint, Plaintiff David Poznak was a minor child and a patient of Archibald's at Rockefeller.

265. Archibald induced David to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

266. According to Rockefeller's records, David visited Archibald at Rockefeller from approximately 1975 to 1977 when he was approximately 15 to 18 years old.

267. During David's visit or visits to Rockefeller, Archibald sexually abused him.

268. By reason of the wrongful acts of Rockefeller, David sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and David has and/or will become obligated to expend sums of money for medical expenses.

**XXXIV. STATEMENT OF FACTS AS TO PLAINTIFF D.P.C.**

269. At all relevant times outlined in this complaint, Plaintiff D.P.C. was a minor child and a patient of Archibald's at Rockefeller.

270. Archibald induced D.P.C. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

271. According to Rockefeller's records, D.P.C. visited Archibald at Rockefeller from approximately 1975 to 1980 when he was approximately 10 to 15 years old.

272. During D.P.C.'s visit or visits to Rockefeller, Archibald sexually abused him.

273. By reason of the wrongful acts of Rockefeller, D.P.C. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and D.P.C. has and/or will become obligated to expend sums of money for medical expenses.

**XXXV. STATEMENT OF FACTS AS TO PLAINTIFF J.A.**

274. At all relevant times outlined in this complaint, Plaintiff J.A. was a minor child and a patient of Archibald's at Rockefeller.

275. Archibald induced J.A. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

276. According to Rockefeller's records, J.A. visited Archibald at Rockefeller from approximately 1975 to 1978 when he was approximately 14 to 17 years old.



277. During J.A.'s visit or visits to Rockefeller, Archibald sexually abused him.

278. By reason of the wrongful acts of Rockefeller, J.A. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and J.A. has and/or will become obligated to expend sums of money for medical expenses.

**XXXVI. STATEMENT OF FACTS AS TO PLAINTIFF L.S.**

279. At all relevant times outlined in this complaint, Plaintiff L.S. was a minor child and a patient of Archibald's at Rockefeller.

280. Archibald induced L.S. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

281. According to Rockefeller's records, L.S. visited Archibald at Rockefeller from approximately 1975 to 1978 when he was approximately 15 to 17 years old.

282. During L.S.'s visit or visits to Rockefeller, Archibald sexually abused him.

283. By reason of the wrongful acts of Rockefeller, L.S. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these

injuries are of a permanent and lasting nature, and L.S. has and/or will become obligated to expend sums of money for medical expenses.

**XXXVII. STATEMENT OF FACTS AS TO PLAINTIFF L.M.**

284. At all relevant times outlined in this complaint, Plaintiff L.M. was a minor child and a patient of Archibald's at Rockefeller.

285. Archibald induced L.M. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to her.

286. According to Rockefeller's records, L.M. visited Archibald at Rockefeller from approximately 1975 to 1979 when she was approximately 10 to 14 years old.

287. During L.M.'s visit or visits to Rockefeller, Archibald sexually abused her.

288. By reason of the wrongful acts of Rockefeller, L.M. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and L.M. has and/or will become obligated to expend sums of money for medical expenses.

**XXXVIII. STATEMENT OF FACTS AS TO PLAINTIFF M.K.**

289. At all relevant times outlined in this complaint, Plaintiff M.K. was a minor child and a patient of Archibald's at Rockefeller.

290. Archibald induced M.K. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

291. According to Rockefeller's records, M.K. visited Archibald at Rockefeller from approximately 1975 to 1986 when he was approximately 0 to 11 years old.

292. During M.K.'s visit or visits to Rockefeller, Archibald sexually abused him.

293. By reason of the wrongful acts of Rockefeller, M.K. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and M.K. has and/or will become obligated to expend sums of money for medical expenses.

**XXXIX. STATEMENT OF FACTS AS TO PLAINTIFF S.H.**

294. At all relevant times outlined in this complaint, Plaintiff S.H. was a minor child and a patient of Archibald's at Rockefeller.

295. Archibald induced S.H. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

296. According to Rockefeller's records, S.H. visited Archibald at Rockefeller from approximately 1975 to 1978 when he was approximately 13 to 16 years old.

297. During S.H.'s visit or visits to Rockefeller, Archibald sexually abused him.

298. By reason of the wrongful acts of Rockefeller, S.H. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil

and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and S.H. has and/or will become obligated to expend sums of money for medical expenses.

**XL. STATEMENT OF FACTS AS TO PLAINTIFF J.T.**

299. At all relevant times outlined in this complaint, Plaintiff J.T. was a minor child and a patient of Archibald's at Rockefeller.

300. Archibald induced J.T. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

301. According to Rockefeller's records, J.T. visited Archibald at Rockefeller from approximately 1976 to 1977 when he was approximately 9 to 10 years old.

302. During J.T.'s visit or visits to Rockefeller, Archibald sexually abused him.

303. By reason of the wrongful acts of Rockefeller, J.T. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and J.T. has and/or will become obligated to expend sums of money for medical expenses.

**XLI. STATEMENT OF FACTS AS TO PLAINTIFF JASON KLEIN**

304. At all relevant times outlined in this complaint, Plaintiff Jason Klein was a minor child and a patient of Archibald's at Rockefeller.

305. Archibald induced Jason to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

306. According to Rockefeller's records, Jason visited Archibald at Rockefeller from approximately 1976 to 1986 when he was approximately 0 to 10 years old.

307. During Jason's visit or visits to Rockefeller, Archibald sexually abused him.

308. By reason of the wrongful acts of Rockefeller, Jason sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Jason has and/or will become obligated to expend sums of money for medical expenses.

## **XLII. STATEMENT OF FACTS AS TO PLAINTIFF A.D.**

309. At all relevant times outlined in this complaint, Plaintiff A.D. was a minor child and a patient of Archibald's at Rockefeller.

310. Archibald induced A.D. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

311. A.D. visited Archibald at Rockefeller from approximately 1978 to 1980 when he was approximately 10 to 12 years old.

312. During A.D.'s visit or visits to Rockefeller, Archibald sexually abused him.

313. By reason of the wrongful acts of Rockefeller, A.D. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that

personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and A.D. has and/or will become obligated to expend sums of money for medical expenses.

#### **XLIII. STATEMENT OF FACTS AS TO PLAINTIFF D.C.**

314. At all relevant times outlined in this complaint, Plaintiff D.C. was a minor child and a patient of Archibald's at Rockefeller.

315. Archibald induced D.C. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

316. D.C. visited Archibald at Rockefeller in approximately 1978 when he was approximately 14 years old.

317. During D.C.'s visit or visits to Rockefeller, Archibald sexually abused him.

318. By reason of the wrongful acts of Rockefeller, D.C. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and D.C. has and/or will become obligated to expend sums of money for medical expenses.

**XLIV. STATEMENT OF FACTS AS TO PLAINTIFF P.C.**

319. At all relevant times outlined in this complaint, Plaintiff P.C. was a minor child and a patient of Archibald's at Rockefeller.

320. Archibald induced P.C. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

321. According to Rockefeller's records, P.C. visited Archibald at Rockefeller from approximately 1978 to 1980 when he was approximately 3 to 5 years old.

322. During P.C.'s visit or visits to Rockefeller, Archibald sexually abused him.

323. By reason of the wrongful acts of Rockefeller, P.C. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and P.C. has and/or will become obligated to expend sums of money for medical expenses.

**XLV. STATEMENT OF FACTS AS TO PLAINTIFF R.D.**

324. At all relevant times outlined in this complaint, Plaintiff R.D. was a minor child and a patient of Archibald's at Rockefeller.

325. Archibald induced R.D. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

326. R.D. visited Archibald at Rockefeller from approximately 1978 to 1980 when he was approximately 6 to 8 years old.

327. During R.D.'s visit or visits to Rockefeller, Archibald sexually abused him.

328. By reason of the wrongful acts of Rockefeller, R.D. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and R.D. has and/or will become obligated to expend sums of money for medical expenses.

#### **XLVI. STATEMENT OF FACTS AS TO PLAINTIFF DAVID WALDMAN**

329. At all relevant times outlined in this complaint, Plaintiff David Waldman was a minor child and a patient of Archibald's at Rockefeller.

330. Archibald induced David to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

331. According to Rockefeller's records, David visited Archibald at Rockefeller from approximately 1979 to 1982 when he was approximately 12 to 15 years old.

332. During David's visit or visits to Rockefeller, Archibald sexually abused him.

333. By reason of the wrongful acts of Rockefeller, David sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these



injuries are of a permanent and lasting nature, and David has and/or will become obligated to expend sums of money for medical expenses.

**XLVII. STATEMENT OF FACTS AS TO PLAINTIFF JEFFREY KLEIN**

334. At all relevant times outlined in this complaint, Plaintiff Jeffrey Klein was a minor child and a patient of Archibald's at Rockefeller.

335. Archibald induced Jeffrey to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

336. Jeffrey visited Archibald at Rockefeller from approximately 1980 to 1986 when he was approximately 0 to 6 years old.

337. During Jeffrey's visit or visits to Rockefeller, Archibald sexually abused him.

338. By reason of the wrongful acts of Rockefeller, Jeffrey sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Jeffrey has and/or will become obligated to expend sums of money for medical expenses.

**XLVIII. STATEMENT OF FACTS AS TO PLAINTIFF Y.K.**

339. At all relevant times outlined in this complaint, Plaintiff Y.K. was a minor child and a patient of Archibald's at Rockefeller.

340. Archibald induced Y.K. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

341. Y.K. visited Archibald at Rockefeller in approximately 1980 to 1981 when he was approximately 15 to 16 years old.

342. During Y.K.'s visit or visits to Rockefeller, Archibald sexually abused him.

343. By reason of the wrongful acts of Rockefeller, Y.K. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Y.K. has and/or will become obligated to expend sums of money for medical expenses.

#### **XLIX. STATEMENT OF FACTS AS TO PLAINTIFF ROBERT ESCAVA**

344. At all relevant times outlined in this complaint, Plaintiff Robert Escava was a minor child and a patient of Archibald's at Rockefeller.

345. Archibald induced Robert to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

346. Robert visited Archibald at Rockefeller from approximately the early 1980s to the mid 1980s when he was approximately 6 to 13 years old.

347. During Robert's visit or visits to Rockefeller, Archibald sexually abused him.

348. By reason of the wrongful acts of Rockefeller, Robert sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil

emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Robert has and/or will become obligated to expend sums of money for medical expenses.

**L. STATEMENT OF FACTS AS TO PLAINTIFF M.M.**

349. At all relevant times outlined in this complaint, Plaintiff M.M. was a minor child and a patient of Archibald's at Rockefeller.

350. Archibald induced M.M. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

351. M.M. visited Archibald at Rockefeller in approximately 1990 when he was approximately 5 years old.

352. During M.M.'s visit or visits to Rockefeller, Archibald sexually abused him.

353. By reason of the wrongful acts of Rockefeller, M.M. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and M.M. has and/or will become obligated to expend sums of money for medical expenses.

**LI. STATEMENT OF FACTS AS TO PLAINTIFF J.H.**

354. At all relevant times outlined in this complaint, Plaintiff J.H. was a minor child and a patient of Archibald's at Rockefeller.

355. Archibald induced J.H. to become Archibald's patient and visit Rockefeller under the guise of performing a growth study for and/or delivering free medical treatment to him.

356. J.H. visited Archibald at Rockefeller in approximately 1984 when he was approximately 13 years old.

357. During J.H.'S visit or visits to Rockefeller, Archibald sexually abused him.

358. By reason of the wrongful acts of Rockefeller, J.H. sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and J.H. has and/or will become obligated to expend sums of money for medical expenses.

## **LII. CAUSES OF ACTION AS TO ALL PLAINTIFFS**

### **FIRST CAUSE OF ACTION NEGLIGENCE**

359. Plaintiffs re-allege the paragraphs set forth above and below.

360. During the relevant periods outlined in this complaint, Plaintiffs were children between the ages of 0 and 19.

361. Rockefeller had care, custody, and control of Plaintiffs while they were on its premises where they saw Dr. Archibald.

362. Rockefeller held itself out as a preeminent medical research institute which maintained the highest standards and utilized the most recent medical research protocols and safeguards for human subject research.

363. Parents reasonably believed that their children would be safe and secure while in Rockefeller's care, custody, and control.

364. Rockefeller approved Archibald's medical research and provided him with physician privileges including regular access to and unsupervised one-on-one interaction with child research subjects, including Plaintiffs.

365. Rockefeller provided Archibald with the examination room, photographic equipment, and other instrumentalities he used to sexually abuse and exploit Plaintiffs.

366. Rockefeller willingly and knowingly placed Plaintiffs and other children in extremely vulnerable positions vis-a-vis Archibald, allowing him in many instances to examine his child research subjects in a locked room without a parent, chaperone, second adult, or anyone else present, and otherwise failed to provide any reasonable oversight and supervision.

367. These circumstances created a special relationship between Rockefeller and Plaintiffs and imposed on Rockefeller a duty to exercise such care as would a parent of ordinary prudence in comparable circumstances.

368. During the relevant periods outlined in this complaint, while Plaintiffs were in Rockefeller's care, custody, and control, Archibald sexually abused and exploited Plaintiffs.

369. Those acts of sexual abuse and exploitation qualify as one or more of the predicate crimes grounding the extension or revival of child sexual abuse claims under the Child Victims Act.

370. During the relevant period, Rockefeller acted through its board of trustees, employees, and other agents, and is vicariously liable as a principal for the actions those agents took within the scope of their employment or other agency authority, whether actual or apparent.

371. Rockefeller had actual or constructive notice that Archibald had a propensity to sexually abuse and exploit children before he committed one or more acts of sexual abuse against each Plaintiff.

372. The circumstances outlined in this complaint, including the 1960 grand jury investigation and multiple complaints, among other notice evidence, required Rockefeller, at a minimum, to thoroughly investigate Archibald and ensure that he was not engaging in sexual abuse and exploitation with child patients.

373. It was entirely foreseeable that Archibald by his association with Rockefeller had the means, conditions, and ability to sexually abuse and exploit Plaintiffs.

374. Given the profligacy and notoriety of Archibald's sexual abuse and exploitation of child patients at Rockefeller, even a cursory investigation and supervision would have revealed ample evidence of abuse.

375. Rockefeller failed to conduct an adequate investigation and engaged in inadequate supervision.

376. Rockefeller failed to follow medical research protocols designed to protect human subjects of medical research.

377. At all relevant times, Plaintiffs and their parents believed that Rockefeller would exercise such care as would a parent of ordinary prudence in comparable circumstances when it assumed supervision, care, custody, and control of Plaintiffs.

378. Rockefeller failed to exercise the degree of care a parent of ordinary prudence would exercise by (i) failing to take reasonable steps to supervise Archibald and Plaintiffs, (ii) failing to fire or dismiss Archibald, (iii) failing to train the staff at Rockefeller to recognize and prevent child sexual abuse, (iv) failing to warn Plaintiffs of the unreasonable risk posed by Archibald, (v) failing to take reasonable steps to protect Plaintiffs, (vi) failing to create a safe environment, and (vii) creating an environment posing an unreasonable risk of sexual abuse and other harm to Plaintiffs.

379. In breaching these duties, Rockefeller acted willfully and in conscious disregard of any need to protect Plaintiffs from Archibald.

380. It was reasonably foreseeable that Rockefeller's failure to exercise such care as would a parent of ordinary prudence in comparable circumstances would result in sexual abuse or other severe harm to Plaintiffs.

381. By reason of Rockefeller's wrongful acts, Plaintiffs sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiffs have and/or will become obligated to expend sums of money for medical expenses.

**SECOND CAUSE OF ACTION**  
**OUTRAGEOUS CONDUCT CAUSING EMOTIONAL DISTRESS**

382. Plaintiffs re-allege the paragraphs set forth above and below.

383. As detailed above and below, Rockefeller's reckless conduct in failing to protect Plaintiffs from sexual abuse and exploitation was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate, and demonstrates utter disregard of the consequences that follow, specifically, the repeated, decades-long, pervasive sexual abuse and exploitation by Archibald of Plaintiffs and many others.

384. Each Plaintiff suffered severe emotional distress, that is, emotional distress that is of such intensity and duration that no reasonable person should be expected to endure it.

385. There is no excuse or justification for Rockefeller's conduct.

386. It was reasonably foreseeable that such conduct would result in the sexual abuse of or other severe harm to Plaintiffs.

387. The outrageous conduct proximately caused Plaintiffs' sexual abuse and exploitation. As a result, Plaintiffs have suffered extreme and permanent emotional distress with physical manifestations, interference with normal development, past and future expenses for medical and psychological treatment, loss of enjoyment of life, and other losses to be described and proven at trial of this matter.

388. By reason of Rockefeller's wrongful acts, Plaintiffs sustained personal physical injury and physical sickness, including emotional distress originating from and attributable to that personal physical injury and physical sickness, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his or her nervous system, physical pain and mental anguish,



and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiffs have and/or will become obligated to expend sums of money for medical expenses

**LIII. XXVI. NO APPORTIONMENT OF LIABILITY**

389. One or more of the exemptions set forth in CPLR 1601 and 1602 applies, thus precluding Rockefeller from limiting its liability by apportioning some portion of total liability to any joint tortfeasor.

**LIV. PRAYER FOR RELIEF**

390. WHEREFORE, plaintiffs demand judgment against defendant Rockefeller for their causes of action, together with compensatory and punitive damages, and the interest, cost and disbursements pursuant to their causes of action and such other and further relief as the Court deems just and proper.

Dated: August 14, 2019

Respectfully Yours,

MARSH LAW FIRM PLLC

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*Pro hac vice forthcoming*

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